

**SCHOOL FEE WAIVER AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jack R. Draxler**

Senate Sponsor: \_\_\_\_\_

---

**LONG TITLE****General Description:**

This bill allows the State Board of Education to distribute funds to certain school districts impacted by fee waivers.

**Highlighted Provisions:**

This bill:

- ▶ establishes criteria for the distribution of the funds;
- ▶ beginning on July 1, 2010, makes compensation for impacts of fee waivers conditioned upon compliance with certain financial reporting requirements; and
- ▶ prescribes the amount of funds an impacted school district may receive.

**Monies Appropriated in this Bill:**

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$1,500,000 from the Uniform School Fund for fiscal year 2008-09 to the State Board of Education.

**Other Special Clauses:**

This bill takes effect on July 1, 2008.

**Utah Code Sections Affected:**

AMENDS:

**53A-12-103**, as last amended by Laws of Utah 2005, Chapter 119

---

*Be it enacted by the Legislature of the state of Utah:*



Section 1. Section **53A-12-103** is amended to read:

**53A-12-103. Waiver of fees.**

(1) (a) A local school board shall require, as part of an authorization granted under Section 53A-12-102, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, ~~or~~ death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.

(2) (a) The board shall require each school in the district that charges a fee under this chapter to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

(b) The board shall develop and provide a list of alternatives for the schools, including such options as allowing the student to provide:

(i) tutorial assistance to other students;

(ii) assistance before or after school to teachers and other school personnel on school related matters; and

(iii) general community or home service.

(c) Each school may add to the list of alternatives provided by the board, subject to approval by the board.

(3) A local school board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a

financial position to pay the entire fee.

(4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, local school boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) requiring a parent or guardian of a student applying for a fee waiver to provide documentation and certification to the school verifying:

(i) the student's eligibility to receive the waiver; and

(ii) that the alternatives for satisfying the fee requirements under Subsection (2) have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school; and

(b) specifying the acceptable forms of documentation for the requirement under Subsection (5)(a), which shall include verification based on income tax returns or current pay stubs.

(6) Notwithstanding the requirements under Subsection (5), a school is not required to keep documentation on file after the verification is completed.

(7) (a) The State Board of Education shall distribute funds appropriated to compensate school districts for impacts of fee waivers as provided in this Subsection (7).

(b) Each school district shall:

(i) receive:

(A) up to \$40 per student in grades 9 through 12 granted fee waivers; and

(B) no more than the total actual value of the fee waivers granted by the school district;

and

(ii) transfer funds received under Subsection (7)(b)(i) to the schools that granted fee waivers in proportion to the amount of granted fee waivers in each school.

(c) The State Board of Education shall make rules specifying procedures for the application for and distribution of funds under this Subsection (7).

(d) Beginning on July 1, 2010, a school district or charter school may not receive a distribution of funds under this Subsection (7) unless the school district or charter school accounts for revenues collected and expended at the school level in accordance with rules of

90 the State Board of Education that shall:

91 (i) require that revenues collected and expended at the school level be classified in  
92 accordance with a uniform chart of accounts;

93 (ii) provide for the identification of revenues from fees and how fees are expended; and

94 (iii) require that revenues collected and expended at the school level be:

95 (A) reported to the state superintendent for inclusion in the annual report of the state  
96 superintendent provided by Section 53A-1-301; and

97 (B) included in the annual audit report required under Section 51-2a-201.

98 **Section 2. Appropriation.**

99 As an ongoing appropriation subject to future budget constraints, there is appropriated  
100 from the Uniform School Fund for fiscal year 2008-09, \$1,500,000 to the State Board of  
101 Education to distribute to school districts impacted by fee waivers as provided by Section  
102 53A-12-103.

103 **Section 3. Effective date.**

104 This bill takes effect on July 1, 2008.

---

---

**Legislative Review Note**

**as of 1-22-08 8:53 AM**

**Office of Legislative Research and General Counsel**

---

---

## H.B. 368 - School Fee Waiver Amendments

### Fiscal Note

2008 General Session

State of Utah

---

---

#### State Impact

Enactment of this bill appropriates \$1,500,000 ongoing from the Uniform School Fund to the State Board of Education.

	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2010 Approp.</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>	<u>FY 2010 Revenue</u>
Uniform School Fund	\$0	\$1,500,000	\$1,500,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

---

#### Individual, Business and/or Local Impact

Enactment of this bill will require local schools to waive some fees for students in grades 9-12. However, the lost fee revenues should be offset by the funds distributed by the State Board to districts impacted by fee waivers.

---